

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Case No.: 0:21-cr-00174 (NEB/DTS)**

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|----------------------------|---|--------------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | STATEMENT OF FACTS IN |
| v. |) | SUPPORT OF EXCLUSION OF |
| |) | TIME UNDER SPEEDY TRIAL |
| William Howard Proto, Jr., |) | ACT |
| Defendant. |) | |
| |) | |

TO: THE HONORABLE NANCY E. BRASEL, JUDGE OF MINNESOTA FEDERAL DISTRICT COURT; THE HONORABLE DAVID T. SCHULTZ, MAGISTRATE JUDGE OF MINNESOTA FEDERAL DISTRICT COURT; AND RUTH SHNIDER, ASSISTANT UNITED STATES ATTORNEY FOR THE PLAINTIFF UNITED STATES OF AMERICA.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the defendant undersigned defendant, William Howard Proto, Jr. (“Proto”), agrees to the following statement of facts in support of his motion to exclude time under the Speedy Trial Act:

The indictment, filed on August 11, 2021, alleges that Proto committed: 1) Possession with Intent to Distribute a Controlled Substance, and 2) Felon in Possession of a Firearm. Proto remains detained pending disposition of these charges pursuant to the Court’s August 20, 2021 Order of Detention. The Court scheduled Proto’s jury trial for January 3, 2021.

On October 14, 2021, Proto, through his undersigned attorney, filed a Notice of Appearance. In it, the undersigned attorney substituted Proto’s court-appointed federal defender. The next day, the government disclosed its evidence against Proto to the undersigned attorney. On October 22, 2021 and November 9, 2021, the undersigned attorney talked to AUSA Ruth Shnider about requesting an adjournment of the January 3, 2021 jury trial. As grounds, as Proto’s newly-retained counsel, the undersigned attorney needs more time to review the evidence and

discuss options with Proto. The government does not oppose rescheduling the January 3, 2021 jury trial.

Based on the foregoing facts, Proto requests that the period of time from now until January 3, 2021 be excluded from the time in which he would otherwise have to be brought to trial. Proto discussed this matter with his undersigned attorney. As indicated by his signature below, he makes this request voluntarily, with full knowledge of his rights under the Speedy Trial Act.

RESPECTFULLY SUBMITTED,

REPKA LAW, LLC



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William Howard Proto
Defendant